

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: Johnson Controls, Incorporated
Mailing Address: Johnson Controls FoaMech Plant
P.O. Box 679
Georgetown, Kentucky 40324

is authorized to operate polyurethane automotive seat cushions and other polyurethane automotive interior components manufacturing plant

Source Name: Johnson Controls FoaMech Plant
Mailing Address: P.O. Box 679
Georgetown, Kentucky 40324
Source Location: 824 Lemons Mill Road
Georgetown, Kentucky 40324

Permit Type: Federally-Enforceable
Review Type: Title V

Permit Number: V-98-005
Log Number: E975
Application February 7, 1997
Complete Date:
KYEIS ID #: 102-3640-0020
AFS Plant ID #: 21-209-00020
FINDS Number: KYD074708462
SIC Code: 2531; 3714

Region: Bluegrass
County: Scott

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on February 7, 1997, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This draft permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01

(01)

Description:**Foam Prototype Lab and Foam Production Lines**

- Carousels 1, 2, 3 and 4
- Each carousel consists of:
 - demold/prep area
 - spray mold release station
 - paste wax mold release station
 - foam pour station
 - foam crushing station
 - foam repair station

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

Compliance demonstration method:

- a. Hourly mass emission rate = (x) + (y), where
$$x = \{ \text{Daily solvent based mold release agent sprayed per line} \times \text{solids content of solvent based mold release agent (in weight percent)} \times \text{number of lines for foam production} \} \div \text{hours of operation per day}$$
$$y = \{ \text{Daily solvent based mold release agent sprayed in the prototype lab} \times \text{solids content of solvent based mold release agent (in weight percent)} \} \div \text{hours of operation per day}$$
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
 - i. Whether any air emissions were visible from the plant.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

4. Specific Monitoring Requirements:

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. The solids content (weight percent) of solvent based mold release agent for each line.
- c. Number of hours of operation of each emission unit per day.
- d. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
 - i. Whether any air emissions were visible from the stack.
 - ii. Whether the visible emission were normal for the process.
 - iii. The color of the emissions and whether the emissions were light or heavy.
 - iv. The cause of the abnormal visible emissions.
 - v. Any corrective actions taken.

5. Specific Record Keeping Requirements:

See 4, Specific Monitoring Requirements, above.

6. Specific Reporting Requirements:

none

7. Specific Control Equipment Operating Conditions:

none

8. Alternate Operating Scenarios:

none

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.7

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

06 (06)

Description: Small parts foam production lines
- Small parts carousels 1 and 2
- Each carousel consists of:
- pour area
- spray mold release
- demold area
- foam repair
- prep area 1, 2

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. **Operating Limitations:** None

2. **Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

Compliance demonstration method:

- a. Hourly mass emission rate = {Daily solvent based mold release agent sprayed per line x solids content of solvent based mold release agent (in weight percent) x number of lines for foam production} ÷ hours of operation per day
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
 - i. Whether any air emissions were visible from the plant.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Recordkeeping Requirements below.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**3. Testing Requirements:**

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Method 5.

4. Specific Monitoring Requirements:

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. Number of hours of operation of each emission unit per day.
- c. The solids content (weight percent) of solvent based mold release agent for each line.
- d. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
 - i. Whether any air emissions were visible from the stack.
 - ii. Whether the visible emission were normal for the process.
 - iii. The color of the emissions and whether the emissions were light or heavy.
 - iv. The cause of the abnormal visible emissions.
 - v. Any corrective actions taken.

5. Specific Record Keeping Requirements:

See 4, Specific Monitoring Requirements, above.

6. Specific Reporting Requirements: none**7. Specific Control Equipment Operating Conditions:** none**8. Alternate Operating Scenarios:** none**9. Compliance Schedule:** NA**10. Compliance Certification Requirements:** See Section F.7

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Small Parts foam production lines: This is a new construction project and is herein permitted as a synthetic minor. The potential VOC emissions from this point are high enough to trigger Regulation 401 KAR 51:017 but the allowable VOC emission rates in this permit have been limited (as provided in the section, Emission Limitations, below) to preclude the applicability of PSD.

34 (34)

Description:

Small parts foam production lines

- Small parts carousel 3
- Each carousel consists of:
 - pour area
 - spray mold release
 - demold area
 - foam repair
 - prep area 3

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. Operating Limitations:

none

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), hourly emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.
- c. Annual emissions of volatile organic compounds (VOCs) from Emission point 34 shall not exceed thirty six (36) tons per year so as to preclude the applicability of Regulation 401 KAR 51:017, Prevention of significant deterioration of air quality.

Compliance demonstration method:

- a. Hourly mass emission rate = {Daily solvent based mold release agent sprayed per line x solids content of solvent based mold release agent (in weight percent) x number of lines for foam production} ÷ hours of operation per day
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
 - i. Whether any air emissions were visible from the plant.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Recordkeeping Requirements below.

- c. Annual VOC emissions = Twelve (12) month rolling total of cumulative monthly VOC emissions

Cumulative monthly VOC emissions = monthly VOC emissions from spray mold release agent + monthly VOC emissions from paste wax mold release agent

Monthly VOC emissions from spray mold release agent

= {Monthly usage of spray mold release agent sprayed per line x VOC content of spray based mold release agent (in weight percent) x number of lines for foam production}

Monthly VOC emissions from paste wax mold release agent

= {Monthly usage of paste wax mold release agent per line x VOC content of paste wax mold release agent (in weight percent) x number of lines for foam production}

3. Testing Requirements:

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Method 5.

4. Specific Monitoring Requirements:

The permittee shall monitor and maintain records of the following parameters:

- a. The daily amount of solvent based mold release agent sprayed for each line.
- b. The monthly usage (per line) of solvent based mold release agent and paste wax mold release agent.
- c. Number of hours of operation of each emission unit per day.
- d. The solids content (weight percent) of solvent based mold release agent for each line.
- e. The VOC content of spray based mold release agent and paste wax mold release agent.
- f. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
 - i. Whether any air emissions were visible from the stack.
 - ii. Whether the visible emission were normal for the process.
 - iii. The color of the emissions and whether the emissions were light or heavy.
 - iv. The cause of the abnormal visible emissions.
 - v. Any corrective actions taken.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. **Specific Record Keeping Requirements:**
See 4, Specific Monitoring Requirements, above.
6. **Specific Reporting Requirements:** See General Conditions, Section G(d)- Construction, Start-up, and Initial Compliance Certification Requirements
7. **Specific Control Equipment Operating Conditions:** none
8. **Alternate Operating Scenarios:** none
9. **Compliance Schedule:** NA
10. **Compliance Certification Requirements:** See Section F.7

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**10** (10)**Description:****Curing oven**

- Natural gas fired
- Rated capacity: 4.8 mmBtu/hr

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. Operating Limitations:

none

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

Compliance demonstration method:

- a. Hourly mass emission rate = (Total monthly usage of natural gas x Emission factor listed in Kentucky Emissions Inventory) ÷ (Hours of operation per month)
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
 - i. Whether any air emissions were visible from the plant.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

3. Testing Requirements:

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**4. Specific Monitoring Requirements:**

The permittee shall maintain records of the following information:

- a. The total monthly usage of the natural gas used for firing the after cure ovens.
- b. The daily and monthly hours of operation (hours operated/month) of the affected facility.
- c. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
 - i. Whether any air emissions were visible from the stack.
 - ii. Whether the visible emission were normal for the process.
 - iii. The color of the emissions and whether the emissions were light or heavy.
 - iv. The cause of the abnormal visible emissions.
 - v. Any corrective actions taken.

5. Specific Record Keeping Requirements:

See 4, Specific Monitoring Requirements, above.

6. Specific Reporting Requirements:

none

7. Specific Control Equipment Operating Conditions:

none

8. Alternate Operating Scenarios:

none

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.7

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

11 (11)

Description:**Mechanism welding****- Seven (7) MIG welders****- Nineteen (19) resistance welders****APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975 and which is not subject to another emission standard with respect to particulates in 401 KAR Chapter 59.

1. Operating Limitations:

none

2. Emission Limitations:

- a. Pursuant to Regulation 401 KAR 59:010, Section 3(2), emissions of particulate matter shall not exceed 2.34 lbs/hr.
- b. Pursuant to Regulation 401 KAR 59:010, Section 3(1)(a), the opacity of any continuous emissions from a control device or a stack shall not equal or exceed 20 percent.

Compliance demonstration method:

- a. Hourly mass emission rate = (Total monthly usage of welding wire x Emission factor listed in Kentucky Emissions Inventory) ÷ (Hours of operation per month)
- b. Opacity limits - A representative of the source shall perform a qualitative visual observation of the opacity of emissions once per week and maintain an on site weekly log of the following information -
 - i. Whether any air emissions were visible from the plant.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process. If not, the corrective actions taken to rectify the situation.

During periods of startup, shutdown, or malfunction of any of the units specified above, the permittee shall demonstrate compliance through maintenance of the records required by Item 3 under Specific Monitoring Requirements below.

3. Testing Requirements:

- a. Pursuant to Regulation 401 KAR 59:010 Section 4(5), Test Methods and Procedures, the opacity of visible emissions shall be measured by Reference Method 9.
- b. Pursuant to Regulation 401 KAR 59:005, Section 2(2), the cabinet may require the permittee, at a future date, to conduct performance testing for particulate emissions as measured by Reference Methods 5.

SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**4. Specific Monitoring Requirements:**

The permittee shall maintain records of the following information:

- a. The total monthly usage of the welding wire.
- b. The daily and monthly hours of operation (hours operated/month) of the affected facility.
- c. During periods of startup, shutdown or malfunction of any of the foam production line, a daily (calendar day) log of the following information shall be kept:
 - i. Whether any air emissions were visible from the stack.
 - ii. Whether the visible emission were normal for the process.
 - iii. The color of the emissions and whether the emissions were light or heavy.
 - iv. The cause of the abnormal visible emissions.
 - v. Any corrective actions taken.

5. Specific Record Keeping Requirements:

See 4, Specific Monitoring Requirements, above.

6. Specific Reporting Requirements:

none

7. Specific Control Equipment Operating Conditions:

none

8. Alternate Operating Scenarios:

none

9. Compliance Schedule:

NA

10. Compliance Certification Requirements:

See Section F.7

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4).

| <u>Description</u> | <u>Regulation</u> |
|--|-------------------|
| 1. Tank farm lab | none |
| 2. Battery charge area | none |
| 3. Cooling tower | none |
| 4. Rust proofing area | none |
| 5. Foam carousel mezzanines | none |
| 6. CO ₂ pellet mold cleaner | none |
| 7. Fire water tank diesel pump | none |
| 8. Safety-Kleen parts washer #1 | none |
| 9. Safety-Kleen parts washer #2 | none |
| 10. Maintenance spray booth | none |
| 11. Maintenance welding booth | none |
| 12. Safety-Kleen parts washer #3 | none |
| 13. Date stamp ink units 1-7 | none |
| 14. Amine blending station | none |
| 15. Skiving adhesive operation | none |
| 16. Tank truck unloading operation | none |
| 17. Air make-up units | none |
| 18. Space heaters | none |
| 19. Air compressors | none |
| 20. Welding operations | 401 KAR 59:010 |

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

Pursuant to 401 KAR 63:020 (3), Control of Potentially Hazardous Matter and Toxic Substances, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. The permittee shall not allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals, and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet.

SECTION E - CONTROL EQUIPMENT CONDITIONS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a) Date, place as defined in this permit, and time of sampling or measurements.
 - b) Analyses performance dates;
 - c) Company or entity that performed analyses;
 - d) Analytical techniques or methods used;
 - e) Analyses results; and
 - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b) Have access to and copy, at reasonable times, any records required by the permit:
 - i) During normal office hours, and
 - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency; and
 - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Director in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. In accordance with Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. Pursuant to Regulation 401 KAR 50:035, Section 7(1)(e), the notification shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
7. The permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
 - a) Identification of each term or condition of the permit that is the basis of the certification;
 - b) The compliance status regarding each term or condition of the permit;
 - c) Whether compliance was continuous or intermittent; and
 - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e) Other facts the Division may require to determine the compliance status of the source; and
 - f) The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall report all information necessary to determine its subject emissions.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.;
 - c) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. The permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the source after the date a complete permit application was submitted but prior to the release of the draft permit.

SECTION G - GENERAL CONDITIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6).
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
11. This permit shall not convey property rights or exclusive privileges.
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
- 15 Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.

SECTION G - GENERAL CONDITIONS (CONTINUED)

c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Construction, Start-Up, and Initial Compliance Certification Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up; and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Florence Regional Office in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the Division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055.

SECTION G - GENERAL CONDITIONS (CONTINUED)

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements. These performance tests must also be conducted in accordance with General Conditions G(d) 6. of this permit and the permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test.
6. Pursuant to Section VII 2.2.(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:0016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - i) An emergency occurred and the permittee can identify the cause of the emergency;
 - ii) The permitted facility was at the time being properly operated;
 - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

SECTION G - GENERAL CONDITIONS (CONTINUED)

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
 - a. Submit a Risk Management Plan to U.S.EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S.EPA.
 - b. Submit additional relevant information if requested by the Division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

Not applicable